



**NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES
WASTE MANAGEMENT DIVISION**

**SUMMARY OF REQUIREMENTS FOR MANAGEMENT
OF USED OIL BEING RECYCLED**

as provided in New Hampshire's Hazardous Waste Rules, Env-Wm 100-1000

The following is an outline of the State of New Hampshire's used oil rules that are contained in "Part Env-Wm 807, Requirements for Management of Used Oil Being Recycled" of the Hazardous Waste Rules.

A. Key Provisions

1. Used oil is a state listed hazardous waste, with a New Hampshire Hazardous Waste Number of NH01.
2. When used oil is recycled (i.e. burned for energy recovery or re-refined), it is subject to less stringent standards and is no longer assigned the waste code of NH01.
3. Requirements apply to:
 - a. Generators;
 - b. Transporters;
 - c. Marketers; and
 - d. Burners.
4. Household generators of used oil are exempt from these requirements. Household generators are often referred to as "Do-It-Yourself" oil changers (DIY). Anyone who collects DIY oil becomes a generator of "Used Oil For Recycle".
5. Certain prohibitions pertain to the recycling of used oil:
 - a. Used oil shall not be used for road oiling or dust suppression;
 - b. Off-specification used oil shall not be used as an automotive undercoating;
and
 - c. Used oil shall not be mixed with any other hazardous waste.

B. Classification of Used Oils

Used oil is classified as specification, off-specification, or hazardous waste, depending on the cleanliness of the oil.

1. Specification used oil must meet the following standards:

Arsenic	5 ppm or less
Cadmium	2 ppm or less
Chromium	10 ppm or less
Lead	100 ppm or less
PCBs	2 ppm or less
Total Halogens	1000 ppm or less
Flash Point	100 F or higher

2. Off-specification used oil must meet the following standards:

Arsenic	18 ppm or less
Cadmium	10 ppm or less
Chromium	35 ppm or less
Lead	1000 ppm or less
Total Halogens	1000 ppm or less
Flash Point	100 F or higher

Used oil with PCBs levels of 2 ppm or greater are also subject to the Toxic Substance Control Act under 40 CFR Part 761, 7-1-99 edition.

3. Used oil shall be classified as hazardous waste when:
 - a. Mixed with a hazardous waste; or
 - b. Exhibits a hazardous waste characteristic except as provided for above; or
 - c. Exceeds off-specification levels; or
 - d. It is not destined for recycle.
4. Sampling and analytical methods must conform to the hazardous waste determination methods (Env-Wm 401.04) and be technically suited to the analysis of used oil.

C. Standards for Generators of Used Oil Being Recycled
(These standards also apply to any party who receives DIY used oil.)

1. Used oil must be stored in DOT containers or structurally sound tanks.
2. Containers and tanks must be clearly labeled with the words "Used Oil for Recycle" at all times during storage.
3. Containers and tanks must be closed at all times except when used oil is being added to or removed from the container or tank.
4. An initial used oil determination is required except for:
 - a. Facilities that collect only used oil generated as a household waste; and
 - b. Generators of used oil, who generate only used automotive oil, and who ensure that oil is not mixed with any other type of oil or waste.
5. Ensure delivery is only to a facility authorized to accept used oil or to burn on site per Env-Wm 807.10.

6. Use a New Hampshire permitted hazardous waste transporter except if self-transporting less than 110 gallons as specified in Env-Wm 807.07(a).
7. Use a three-copy bill of lading with each shipment of used oil for recycle. If the used oil is being shipped to a state that regulates used oil as a hazardous waste, a hazardous waste manifest may be used instead of a bill of lading.
8. Generators who transfer used oil directly to a burner of different ownership shall comply with the Marketer Standards.
9. Generators who burn their own used oil must comply with Burner Standards.
10. Copies of bills of lading and used oil analyses need to be kept on file for three years.

D. Standards for Transporters of Used Oil Being Recycled

1. A New Hampshire permitted hazardous waste transporter must be used to transport used oil unless the generator self transports less than 110 gallons.
2. A bill of lading must accompany all used oil transported for recycle.
3. Transporters must keep copies of each bill of lading on file for at least three years.
4. Transporters must submit an annual report of used oil transportation activity to DES by March 1 of each year.

E. Standards for Marketers of Used Oil Being Recycled

It is important to understand that a generator, or transporter, or burner may also be a marketer. Every time used oil changes ownership, a marketer must be identified to accept the marketer responsibilities.

1. Used oil marketers include the following:
 - a. Generators who offer their used oil directly to a used oil burner;
 - b. Persons who receive used oil from generators, except those receiving exclusively DIY oil; and/or
 - c. Persons who distribute used oil, including transporters who take ownership of the oil they collect.
2. Used oil marketers do not include the following:
 - a. Used oil generators (unless they offer or transport their oil directly to a burner); or
 - b. Transporters who transport used oil received only from generators, and do not deliver that oil directly to a burner, nor do they take ownership of the oil they collect.
3. Notify the DES Waste Management Division of used oil management activities.
4. Sampling and analyses is required for each batch of used oil being marketed.

5. A bill of lading is required for each shipment. Bills of lading must include the batch number and state whether the oil is specification or off-specification. A copy of the analyses must accompany the bill of lading. Each bill of lading must be prepared as specified under Env-Wm 807.06(b)(13), including the specific language in 807.06(b)(13)f.
6. Obtain a written notice from recipient that certifies their used oil management activities, as described in Env-Wm 807.09(b)(11).
7. Before accepting used oil from another marketer, notify DES of your used oil management activity, and provide a signed copy of that notice to the shipping marketer.
8. Maintain an operating log.
9. Keep the following records on file for 3 years:
 - a. Notices;
 - b. Analytical reports;
 - c. Bills of lading; and
 - d. Operating log.

F. Standards for Burners of Used Oil Fuel

1. A “used oil fuel burner” is any owner or operator of an industrial furnace, boiler, or space heater fueled with used oil. Each burner must notify the DES Waste Management Division and Air Resources Division of its used oil management activities.
2. Off-specification used oil fuel shall only be burned in:
 - a. Industrial furnaces;
 - b. Boilers (more than 10 million BTU/hour capacity) at manufacturing sites;
 - c. Utility boilers; or
 - d. Used oil fired space heaters (not more than 0.5 million BTU/hour) fueled with only used oil generated on-site, and vented out doors.
3. Specification and DIY used oil fuel shall only be burned in:
 - a. Oil furnaces and boilers, at non-residential locations; or
 - b. Used oil fired space heaters (not more than 0.5 million BTU/hour) that are vented out doors.
4. Perform analysis on the used oil unless:
 - a. The oil was already tested by a marketer and a copy of the report has been provided to the burner; or
 - b. The burner is only burning used automotive oil that is generated on site; or
 - c. The burner is only burning DIY used oil collected from persons generating used automotive oil as a household waste.
5. Prior to accepting the first shipment of off-specification used oil fuel, the burner must provide a one time notice to the marketer that their burner meets DES standards and DES has been notified of their burning activity.

6. The following records must be kept on file for 3 years:

- a. Notices;
- b. Analyses; and
- c. Bills of lading.

This summary provides general information only. All managers of used oil are responsible for compliance with the New Hampshire Rules, Env-Wm 100-1000. Should you have additional questions, please contact the Department of Environmental Services, Waste Management Division at 6 Hazen Drive, Concord, NH 03301, or (603) 271-2942. For a complete set of the New Hampshire Hazardous Waste Rules, please contact the DES Public Information Center at (603) 271-2975. A set of the rules may also be obtained from the Internet at <http://www.des.state.nh.us/hwrb/hwrules.pdf>.

H:\Information in Forms Drawer\Used Oil\Summary of Requirements For Mgmt of Used Oil Being Recycled.doc
Revised 01-24-01